

Amendment No. 1 to SB1575

Yager
Signature of Sponsor

AMEND Senate Bill No. 1575*

House Bill No. 2106

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-4-121, is amended by deleting the section in its entirety and substituting instead the following:

(a) When conducted in accordance with this section, the sheriff has the authority, when the jail of the county is insufficient for the safekeeping of a prisoner, to convey the prisoner to the nearest sufficient jail in the state or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility in the state.

(b)

(1) In all cases where it is shown to the committing court that the jail of the county in which the commitment should be made is insufficient for the safekeeping of the prisoner, the court may order commitment of the prisoner to the nearest sufficient county jail or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility.

(2) Prior to the issuance of the order, a hearing must be held before the committing court, with the prisoner in attendance, regarding the sufficiency or insufficiency of the county jail for the safekeeping of the prisoner. In issuing the order, the court shall consider restrictions on the use of solitary confinement.

(c)

(1) In all cases where the jail in which a prisoner is confined becomes insufficient from any cause, any circuit or criminal judge, upon the application of the sheriff and proof of the fact, may order the prisoner to be removed to the

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nearest sufficient jail or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility.

(2) Prior to the issuance of the order, a hearing must be held before the court, with the prisoner in attendance, regarding the sufficiency or insufficiency of the county jail. In issuing the order, the court shall consider restrictions on the use of solitary confinement.

(d) An order issued under this section shall be reviewed by the issuing court at least once every thirty (30) days. In conducting the review, the court shall determine whether the order needs to remain in place, be terminated, or be modified to place conditions on the order, including any restrictions on the use of solitary confinement. If the order is terminated, the prisoner shall be returned to the county jail or juvenile detention facility, as appropriate.

(e) Nothing in this section authorizes a prisoner to be committed or removed to the state penitentiary or a branch prison for safekeeping.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to prisoners committed or moved for safekeeping prior to, on, or after the effective date of this act.